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Claims 1-10 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,113,094 to Horiguchi et al. ("Horiguchi") in view of U.S. Patent 6,445,891 to Shiraishi. This rejection is respectfully traversed.

In the Final Office Action of 01/10/2006, it was admitted: "Horiguchi et al. does not teach the sheet eject mechanism which moves between an initial position and a sorting position and the control device [for] regulating a delay time required for the sheet mechanism moving from the initial position to the sorting position or other position" (see page 2, last paragraph).

The Shiraishi reference was cited allegedly for teaching "a control device (CPU) 31 which regulates a delay time for the sheet eject mechanism which moves from a position to other position via the initial sensor 26, the timing sensors 25, 38 and an offset motor 37" (Final Office Action at page 2, last paragraph).

- However, Shiraishi does not teach or suggest an image forming apparatus having a sheet eject mechanism in which after ejecting a sheet at a sorting position, the sheet eject mechanism returns from the sorting position to the initial position without a sheet held therein.

Referring to FIGS. 5A to 5F of Shiraishi, a copy sheet P having been transported along a fixed paper path is fed to, and pinched by, discharge rollers 21 placed in the "initial position" (see column 5, lines 59-61; FIG. 5A). Then, a moving element 22 is moved from the initial position to the "opposite position," where the sheet P is discharged into a discharge tray 3 (see column 5, line 62 to column 6, line 5; FIGS. 5B and 5C). Next, a subsequent copy sheet having been transported along the fixed paper path is fed to, and pinched by, the discharge rollers 21 placed at the opposite position (see column 6, lines 21-24; FIG. 5D). The moving element 22 is then moved from the opposite position to the initial position, where the subsequent copy sheet is discharged into the discharge tray 3 (see column 6, lines 24-34; FIGS. 5E and 5F).

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In Shiraishi, the moving element 22 holds a sheet therein at the initial position, and moves from the initial position to the opposite position with a sheet held therein. After ejecting the sheet at the opposite position, the moving element 22 moves from the opposite position to the initial position with a sheet held therein.

In other words, the "initial position" and the "opposite position" in Shiraishi are both sorting positions to perform offset stacking. Shiraishi does not teach or suggest an image forming apparatus in which after ejecting a sheet at a sorting position, the sheet eject mechanism returns from the sorting position to an initial position without a sheet held therein. In Shiraishi, a sheet is always held in the moving element 22 during movement between the "initial position" and the "opposite position."

Applicants' remarks in the Amendment filed on October 24, 2005 are incorporated by reference herein. Namely, Shiraishi does not teach or suggest an image forming apparatus in which **delay time** for a sheet eject mechanism to start to return to an initial position from a sorting position is determined "based on a difference in length between a transport interval that varies according to sizes of sheets being processed and time that it takes the sheet eject mechanism to move back from the sorting position to the initial position."

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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